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May 22, 2008

**SENT VIA FACSIMILE (602) 253-9115 AND HAND-DELIVERY**

Gina Relkin  
Chief Counsel  
Arizona Health Care Cost Containment System  
701 East Jefferson  
Phoenix, Arizona 85034

Re: Public Information Request By Health Choice Arizona  
And Award of Contract for Acute Care Services  
RFP YH09-0001

Dear Ms. Relkin:

This firm represents Health Choice Arizona ("Health Choice"). We are writing on two issues related to the award of contracts pursuant to RFP YH09-0001. The first issue relates to a public information request made by Health Choice on May 15, 2008.

Public records are presumed open to the public for public inspection. *KPNX-TV v. Superior Court In and For County of Yuma*, 183 Ariz. 589, 905 P.2d 598 (App. Div. 1 1995), *review denied* 186 Ariz. 168, 920 P.2d 290. After receiving a public records request, a Custodian of Records is required to "promptly furnish" the public records to the requesting party. A.R.S. § 39-121.01(D)(1). The Attorney General has opined that the public is entitled to inspect information within a reasonable time after a request is made. *Ariz. Att'y Gen. Ops.* 180-097, 78-234, 70-1. A failure to promptly furnish documents constitutes a wrongful denial.

The May 15, 2008 request was addressed to Rodd Mas. Health Choice requested "copies of all documents relating to any protest related to RFP YH09-0001, including the name of whomever filed the protest, the date of such protests and any decision issued concerning such protest whether by the Procurement Officer or Director." Mr. Mas responded almost immediately, informing Health Choice that its request was forwarded to Michael Veit and a response would be forthcoming by Tuesday, May 20, 2008. A follow-up e-mail was sent to Mr. Veit on May 20, 2008, but Health Choice has not received any response to its original request or to that follow-up e-mail.

We are writing to renew the request made on May 15, 2008. In accordance with State law, please provide your response to Carolyn Rose or Kathy Harris at Health Choice no later than the close of business on May 22, 2008. You may contact either of them by e-mail to advise them if there are responsive documents and to arrange a pick-up time that is convenient. Ms. Harris can be reached at [kharris@iasishealthcare.com](mailto:kharris@iasishealthcare.com). Ms. Rose can be reached at [crose@iasishealthcare.com](mailto:crose@iasishealthcare.com).

In addition to responding to the outstanding request, we request the following public records pursuant to ARS § 39-121, et seq:

- 1) Copies of any protests filed with respect to the RFP YH09-0001 between the date of award (May 13, 2008) and May 27, 2008; and
- 2) Copies of any actions taken/decisions made by Arizona Health Care Cost Containment System ("AHCCCS") with respect to any protests filed between the date of the award and May 27, 2008.

This request is not made for a "commercial purpose" as defined in A.R.S. 39-1221.03(D).

Should access to the public records continue to be denied, Health Choice's remedy is to file a Special Action with the Superior Court. A.R.S. § 39-121.02(A). If Health Choice prevails, it may be awarded attorney fees and other costs. A.R.S. § 39-121.02(B). *Phoenix Newspapers, Inc. v. Ellis*, 215 Ariz. 268, 159 P.3d 578 (App. 2007) and *West Valley View, Inc. v. Maricopa County Sheriff's Office*, 216 Ariz. 225, 165 P.3d 203 (App. 2007). Health Choice would also have a cause of action for damages against the public officer or public body who denied access. A.R.S. § 39-121.02(C).

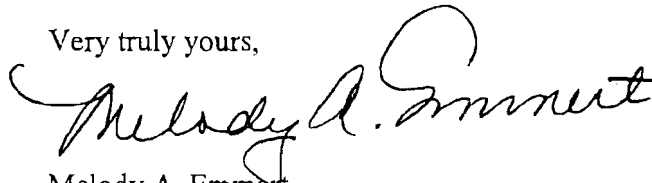
The second reason for our letter is to express Health Choice's concern about certain rumors they are hearing in the community (which we believe you may have heard) about protests that may be filed with respect to the awards made on May 13, 2008. The prospect of a protest is creating concern at the very time that the successful bidders need to be focused on the future. Having shared with you Health Choice's concern about these rumors -- which may be no more than unwarranted speculation which will not result in any protest-- we also want to assure you that Health Choice was pleased to be awarded contracts in 4 GSA's. Health Choice looks forward to continuing to serve Arizona citizens in Maricopa, Pima, and Mohave/Coconino/Navajo/Apache Counties. Similarly, Health Choice looks forward to providing services in Santa Cruz and La Paz/Yuma beginning in October 2008.

Gina Relkin  
Chief Counsel  
Arizona Health Care Cost Containment System  
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While Health Choice is pleased with the opportunity to serve citizens in the 4 GSA's mentioned above, it was disappointed that it will no longer be serving Arizonans in Pinal/Gila and that it was not awarded contracts in GSAs 14 or 6. After careful consideration of the options, rather than file a protest concerning the awards made, Health Choice has decided to focus its efforts on the work it will be doing under the new contract.

We look forward to your response with respect to the public information request. If you have questions concerning these matters, please feel free to contact me.

Very truly yours,



Melody A. Emmert

MAE:pjh

cc: Carolyn Rose, Chief Executive Officer  
Health Choice Arizona, Inc.

Frank Coyle, General Counsel  
IASIS Healthcare